IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.61500-M of 2005

DATE OF DECISION: NOVEMBER 20, 2006

Smt.Parvinder Kaur

...PETITIONER

VERSUS

State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. N.P.Jetley, Advocate,
for the petitioner.
Mr.S.S.Patter, Sr.DAG, Haryana.
Mr.Sachin Kapoor, Advocate,
for respondent No.2.

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The petitioner, who is the complainant, has filed this petition against the order dated 10.8.2005 passed by the Addl. Sessions Judge, Ambala whereby the revision filed by the petitioner against the order dated 14.8.2004 passed by JMIC, Ambala Cantt, has been dismissed in default on account of non-appearance of the counsel or the complainant herself.

I have heard the counsel for the parties and gone through the impugned order.

Initially, the complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act was dismissed in default by the JMIC, Ambala Cantt vide order dated 14.8.2004 as neither the petitioner nor her counsel had put in appearance before the trial Court. Aggrieved against the said order, the petitioner preferred a criminal revision before the revisional Court, which was also dismissed for non-prosecution.

Counsel for the petitioner states that petitioner and her counsel could not appear before the revisional Court on the date fixed because they had noted the wrong date. Counsel contends that even otherwise also, the revision should be decided on merits. Counsel further contends that the revisional Court erred in law while dismissing the revision for non-prosecution without deciding the same on merits. Therefore, the impugned order is liable to be set aside in the interest of justice. Counsel for respondent No.2, however, does not seriously oppose the prayer made by the petitioner.

After hearing the counsel for the parties, I am of the opinion that this petition deserves to be allowed. The explanation given by the petitioner appears to be genuine. It is always in the interest of justice that the matter should be adjudicated on merits.

In view of the aforesaid discussion, this petition is allowed with costs of Rs.500/- and the impugned order dated 10.8.2005 passed by Addl. Sessions Judge, Ambala is set aside and the criminal revision is restored to its original number. The revisional Court is directed to decide the revision on merits expeditiously.

November 20, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE